

MDNC 3/02

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
in the United States District Court for the District of South Carolina

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Jarrod Whitfield

(Enter above full name of plaintiff—only one plaintiff)  
permitted per complaint)

v.

Beaufort County Council, Gary Kubic,  
Philip A. Foot, C.E. Allen, Joanne  
Deboe, Charles A. Bush, Southern  
Health Partners, P. J. Tanner, and  
unnamed deputy sheriffs, et al.

(Enter above full name of defendant or defendants)

I. Previous law suits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No (X)

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to previous lawsuit:

Plaintiffs: \_\_\_\_\_

Defendants: \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket number: \_\_\_\_\_

4. Name of judge assigned to case: \_\_\_\_\_

5. Disposition (for example, was the case dismissed? appealed? is it still pending?) \_\_\_\_\_

6. Approximate date of filing lawsuit: \_\_\_\_\_

II. Previous *in forma pauperis* lawsuits

A. While incarcerated or detained in any facility, have you filed a lawsuit in any federal court in which you were allowed to proceed *in forma pauperis* (without prepayment of fees)?

( ) Yes (X) No

1. Name the court and docket number for each: \_\_\_\_\_

- B. Were any of these cases dismissed under 28 U.S.C. § 1915(d) on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted? Yes ( ) No (X)
1. If yes, how many? \_\_\_\_\_
  2. Name the court and docket number for each: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### III. Exhaustion of Inmate Administrative Remedies

- A. Did you present the facts of each claim relating to your complaint to the Inmate Grievance Commission or any other available administrative remedy procedure? Yes (X) No ( )
- B. If your answer is Yes:
1. When did you file your grievance? \_\_\_\_\_
  2. What was your grievance? Denial of his serious Medical Needs By Medical Providers, and other defendants. Assault and Battery, Aggravated Assault, Use of Excessive Force By the Beaufort County Sheriff Department.
  3. Did you appeal any adverse decision to the highest level possible in the administrative procedure? Yes (X) No ( )  
If yes, when was the decision and what was the result? \_\_\_\_\_  
\_\_\_\_\_
- C. If your answer to A is no, identify the claim(s) and explain why not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### IV. Parties

#### A. Plaintiff(s)

Name of plaintiff:

Jarrod Whitfield

Current address (place of confinement):

P.O. Drawer 1228  
Beaufort, South Carolina 29901

(You may lose important legal rights unless you immediately notify the court of any address change.)

- B. Defendant(s) (NOTICE: A person must be identified in this subsection B in order to be considered and served as a defendant.)

Name of defendant 1: Gary Kubie

Position: Administrator

Place of employment:

Beaufort County Council

Current address:

1000 Ribaut Road  
Beaufort, South Carolina 29902

Additional defendant(s) (provide name, position, place of employment, and current address for each)

Defendant 2: Philip A. Foot

Beaufort County Detention Center, P.O. Drawer 1228, Beaufort, SC 29901

Defendant 3: C.E. Allen

Beaufort County Detention Center, P.O. Drawer 1228, Beaufort, SC 29901

Defendant 4: Joanne Deboe

Beaufort County Detention Center, P.O. Drawer 1228, Beaufort, SC 29901

#### IV. Parties (Cont'd)

Defendant 5: Charles A. Bush

P.O. Drawer 1228, Beaufort County Detention Center, Beaufort, SC 29901

Defendant 6: Southern Health Partners, Inc.

3712 Ringgold Road, #364, Chattanooga, Tennessee 37412

Defendant 7: P. J. Tanner

P.O. Box 1758, Beaufort County Sheriff Dept., Beaufort, SC 29901

Defendant 8: J. Garcia

P.O. Box 1758, Beaufort County Sheriff Dept., Beaufort, SC 29901

Defendant 9: Michael M. Hatfield

P.O. Box 1758, Beaufort County Sheriff Dept., Beaufort, SC 29901

(Continue on a separate sheet if necessary.)

#### V. Statement of Claim

State here as briefly as possible the FACTS in your case. Do this by describing how each defendant named in Section III.B. above is personally involved in depriving you of your rights. Include relevant times, dates, and places. DO NOT GIVE LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. You may only combine claims involving events that relate to all defendants. Number and set forth each separate claim in a separate paragraph. Unrelated claims involving separate events must be set out in a separate complaint. (Attach extra sheets if necessary.)

All claims are directed against all named and unnamed defendants, specifically that defendant 1-9, acted in concert with one another to violate the well-known constitutional rights of the plaintiff. Plaintiff makes the following factual allegations:

1. I was arrested on June 23, 2007, I was accosted, arrested without probable cause, attacked without provocation, while lying on the ground, while waiting to be handcuffed, face down in the process of this aggravated assault by Sheriff deputy J. Garcia, and other White deputies, who intentionally and willfully broke his hand.

2. On June 28, 2007, he filed a sick call slip, advising them that he had been taken to <sup>HILTON HEAD MEDICAL CENTER</sup> ~~Beaufort Memorial Hospital~~ on June 23, 2007, where X-rays were taken of his hand. The Emergency room doctor prescribed pain medication, which defendants refused to give him. The emergency room doctor sent a consult for him to be taken to a specialist to have his hand reset and put into a permanent cast. This was sent to jail medical after five days of constant pain and suffering without pain medication.

3. Several more sick call slips were sent, because the nurse refused to act, told him to stop getting others to write for him, and would respond, this issue already addressed.

4. Plaintiff continued to send sick call slips, requests and one grievance, until he was finally taken to a

bone specialist on Parris Island, South Carolina, some eighteen (18) days later. Complaints were sent 06-29-07, 06-29-07, 06-30-07, 07-01-07, 07-02-07, 7-6-07, 7-7-07, 7-8-07, 7-3-07, 7-4-07, 7-5-07. Evidence shall be supplemented by affidavits, Expert testimony, and 47 exhibits.

#### VI. Relief

STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENTS. CITE NO CASES OR STATUTES.

I am seeking declaratory and monetary damages, as well as, punitive damages for intentional infliction of emotional distress by all named defendants in their individual capacity. Plaintiff is seeking a jury trial, mediation, arbitration, any and all remedies available under both state and federal law. The right to amend, complete and full discovery, and assistance by counsel and expert witnesses. Plaintiff seeks one million dollars in damages.

Signed this 17th day of July, 20 07.

Prison No. 25974

Signature Jamess Whitfield